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ORDINANCE NO. 3762

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, REPEALING THE PROVISIONS OF EDMONDS CITY CODE 2.10.040 FIRE CHIEF, ADDING A NEW CHAPTER 2.12 RELATING TO THE DUTIES OF THE FIRE CHIEF, FIRE MARSHAL AND OTHER REFERENCES TO THE FIRE DEPARTMENT THROUGHOUT THE CITY CODE, REPEALING CHAPTER 3.09 AND 3.15 AND PROVIDING FOR DISPOSITION OF THE FUNDS HELD, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, by contemporaneous action, the Edmonds City Council has approved an interlocal agreement providing for the provision of fire services to the City by Snohomish County Fire District No. 1, and

WHEREAS, such interlocal agreement provides that the City Council may, at its discretion, terminate the agreement, and

WHEREAS, the City Council deems it to be in the public interest to acknowledge that fire services including the services of a fire marshal shall be provided for by contract but wish to retain certain provisions of the current City Code including but not limited to provisions of the fire code, civil service and other relevant code provisions in place in the event that the City determines it necessary to terminate the agreement and to clarify that during the term of the interlocal agreement, fire service and fire marshal services shall be provided by Snohomish County Fire District No. 1 by contract to the same extent as if such services were provided directly to the citizens by City employees, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Edmonds City Code 2.10.040 is hereby repealed.

Section 2. Title 2 of the Edmonds City Code is hereby amended by the addition
of a new chapter 2.12 Fire Department to read as follows:

2.12 Fire Department

2.12.010 Fire Service

2.12.020 Pre-existing rights and obligations not impaired.

2.12.010 Fire service

Fire service is provided to the citizens of the City of Edmonds by and through a contract with Snohomish County Fire District No. 1. Whenever any reference is made in the provisions of the Edmonds City Code or Edmonds Community Development Code to fire chief, fire marshal, fire department or any other reference to a firefighter or fire services, such term shall include, for the provision of administrative or other day to day fire services, to reference the fire chief, fire marshal and fire fighting services performed for the City by contract by Snohomish County Fire District No. 1.

1. The officials of the Snohomish County Fire District No. 1 when performing services by contract to the citizens of the City of Edmonds and to the City in its corporate capacity shall exercise any and all rights, duties, obligations and responsibilities in accordance with the provisions of this code to the same extent and in the same manner as if performed by an employee of the City.

2. Employees of the Snohomish County Fire District No. 1 ("District") shall not be entitled to any wage or benefit provision of this code, including but not limited to Chapters 2.06 and 2.35. The Edmonds Civil Service System shall remain in effect but no employee of the District shall have recourse to the Civil Service Commission following the termination date of Fire Department employees by the City.

2.12.020 Pre-existing rights and obligations not impaired.

The City Council's determination to contract or not contract for fire services with Snohomish County Fire District No. 1 and the provisions of this chapter shall not impair any existing vested right or vested obligation created under the provisions of state law or under Chapter 2.50 Fireman's Relief and Pension System, Chapter 2.60 Reserve Firefighters' Relief and Pension Act, Chapter 2.70 Retirement System, and Chapter 10.30 Disability Board, as well as the MEBT plan of the City. The rights of any person under such system vested prior to the transfer of fire service responsibility by contract shall remain in full force and effect and is not impaired by either such or the adoption of this chapter.

Section 3. The Edmonds City Code is hereby amended by the repeal of Chapters 3.09 Accumulative Reserve Fund for Fire Apparatus, and 3.15 Fire Donation Fund. The funds currently held in Chapter 3.09 are hereby released and may be utilized solely for costs associated with the provision of fire service under a contract between the City of Edmonds and Snohomish County Fire District No. 1, and shall be first applied to any cost or charge relating to fire apparatus. The funds held in the Fire Donation Fund, created by Chapter 3.15 shall be transferred to Snohomish County Fire District No. 1 and released only upon the agreement and acknowledgement of the District that it shall use the funds solely for operating, maintaining and improving the provision of emergency services relating to suppression of fires and the provision of emergency medical aid and assistance. The District shall also acknowledge that its use of the funds shall also comply with the intent of any donor with respect to identified restricted funds, if any. The City shall notify the District of any restricted funds, the amount of such restricted funds and the purpose for which their uses are limited prior to transfer .

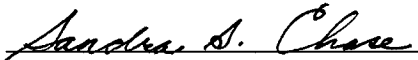
Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect on

January 1, 2010, such date being more than five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	11/13/2009
PASSED BY THE CITY COUNCIL:	11/17/2009
PUBLISHED:	11/22/2009
EFFECTIVE DATE:	01/01/2010
ORDINANCE NO. <u>3762</u>	

SUMMARY OF ORDINANCE NO. 3762

of the City of Edmonds, Washington

On the 17th day of November, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3762. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, REPEALING THE PROVISIONS OF EDMONDS CITY CODE 2.10.040 FIRE CHIEF, ADDING A NEW CHAPTER 2.12 RELATING TO THE DUTIES OF THE FIRE CHIEF, FIRE MARSHAL AND OTHER REFERENCES TO THE FIRE DEPARTMENT THROUGHOUT THE CITY CODE, REPEALING CHAPTER 3.09 AND 3.15 AND PROVIDING FOR DISPOSITION OF THE FUNDS HELD, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 18th day of November, 2009.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3762 of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.
DATED this 18th day of November, 2009.

CITY CLERK, SANDRA S. CHASE

Published: November 22, 2009.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3762

RE: Fire Chief

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

November 22, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

A handwritten signature in cursive script, reading "Jody Groll".

Principal Clerk

Subscribed and sworn to before me this

23rd

day of November, 2009

A handwritten signature in cursive script, likely belonging to the Notary Public.

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

DEC 03 2009

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001675809

